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Interior, Dept.

HANDBOOK

**For the Information of
Intending Settlers**

**Issued by the Department of the
Interior, Ottawa, Canada**

1914

Dominion Lands Hand Book for the Information of the Public

HOMESTEAD ENTRY.

What land available: All surveyed agricultural Dominion lands (excepting "School Lands" and "Hudson's Bay Company's Lands") in Manitoba, Saskatchewan and Alberta only, which are not disposed of and not reserved or occupied, are open to homestead entry.

"School Lands" consist of sections 11 and 29 in each township.

"Hudson's Bay Company's Lands" consist of section 8 and the south half and the north west quarter of the section 26, in each township south of the north branch of the Saskatchewan river. In every fifth township, namely, townships numbered five, ten, fifteen, etc, the company acquired the whole of section 26.

Islands which are Dominion lands in the Provinces of Manitoba, Saskatchewan and Alberta are reserved from entry.

An entry does not include the mineral or water rights.

Who may make Homestead Entry: Every person who is the sole head of a family, and every male who has attained the age of 18 years and is a British subject, or declares intention to become a British subject, is entitled to obtain entry for a homestead to the extent of one-quarter-section, on payment of an entry fee of ten dollars.

A widow having minor children of her own dependent on her for support, is permitted to make homestead entry as the sole head of a family.

A widow who remarries thereby ceases to be the sole head of a family, and is not eligible to make an entry.

Where Entry is Made: Application for homestead entry may be made by a person eligible under the provisions of "The Dominion Lands Act", either at the Land Agency for the district in which the land is situate, or at the office of a Sub-agent authorized to transact business in the district.

Entry Before Sub-Agent: When application for homestead entry is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent at the expense of the applicant to the Agent, and in such case the land if available, will be held until the application papers are received.

When a Sub-Agent has received an application for entry for a quarter-section, he must not receive another application for the same quarter-section from any other person until the first application has been dealt with by the Agent.

Application for entry must be made by the applicant in person.

Entry by Proxy: Application for homestead entry by proxy is permitted, however, in the case of a person applying on behalf of father, mother, son, daughter, brother or sister, when duly authorized to do so in the form prescribed. In such case the proxy must appear before the Land Agent for the district in person. Application for entry by proxy cannot be accepted by a Sub-agent.

The homesteader, on whose behalf such an entry is made must, before the expiration of six months from the date of the entry, appear personally before the Agent (not a Sub-Agent) and satisfy him by declaration as provided that he is already in residence or on his way to commence such residence, and in the latter case that he will be in residence before the end of the six months. Should he fail to appear, the Agent must cancel the entry without notice at the end of six months from date of entry.

No extensions of time within which to commence residence duties are granted in connection with a proxy entry.

Second Homestead Entry: The privilege of entry for a second free homestead is restricted by "The Dominion Lands Act" to those who completed the duties on their first homesteads to entitle them to patent on or before the 2nd June, 1889.

Entry Obtained by Fraud: When in the opinion of an agent, an entry has been secured under an assumed name or by misrepresentation, personation, perjury, or fraud of any kind it shall be his duty to secure all available evidence and forward same to Head Office.

If fraud is established to the satisfaction of the Department, the entry will be immediately cancelled, and at the discretion of the Minister the entrant will be liable to loss of improvements or to the right to make a homestead entry, or both.

A homestead is for the sole use and benefit of the entrant, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever, and the violation of this provision renders the entry liable to cancellation.

LANDS VALUABLE FOR TIMBER.

Timber Land Defined: A quarter section containing more than twenty-five acres of "merchantable timber" is not open to entry. If entry is granted thereon it will be liable to cancellation.

An applicant is required to make a statutory declaration that the quarter-section applied for does not contain more than twenty-five acres of "merchantable timber."

Merchantable Timber: Means spruce, jackpine, or tamarack suitable for lumber, railway ties or telegraph poles; or timber of poplar, birch, spruce, jackpine or tamarack suitable for building timber over ten inches at butt.

If a quarter-section upon which there is not twenty-five acres of "merchantable timber" as above defined, contains more than twenty-five acres of timber suitable for cordwood or fence poles, it is not open to entry unless such entry is granted on the condition that it will be subject to the issue of permits upon the remainder of the quarter-section after the homesteader has selected and defined, subject to approval, twenty-five acres for his own use.

Lands included in timber berths are not available for entry.

SQUATTER BEFORE SURVEY.

A person who has bona fide settled and made improvement on agricultural land before the survey thereof, and is in occupation of and ordinarily resident on the land at the time of the survey shall, if he is eligible under the Act to make entry for a homestead (or a purchased homestead, if within the purchased homestead tract), have a prior right to obtain entry for the land so settled on: Provided that this right is exercised within six months after notice^a in writing that the land is open for entry, has been given by the local Agent to the said person, or has been posted in a conspicuous place on the land; and that entry shall not be allowed for more than a quarter-section as a homestead.

And provided further that at the time of such person's first occupation of the land claimed the nearest surveyed line was more than half a mile from such land.

SQUATTER AFTER SURVEY.

Occupation of surveyed lands by squatting thereon without authority gives no right thereto and all persons are warned that such occupation is illegal, and the squatter liable to ejectment and forfeiture of improvements.

PAYMENT FOR IMPROVEMENTS.

Before a person is granted entry for a homestead, a pre-emption or a purchased home-

stead, he shall declare what improvements, if any, there are upon the land for which he applies, and pay to the Agent or Sub-Agent the full amount of his valuation of such improvements. Should he fail to make such declaration his entry shall be liable to cancellation.

In the event of uncertainty as to the correctness of the entrant's valuation, or if the value of the improvements is placed at over \$25.00, the Agent shall cause such improvements to be examined and valued by a Homestead Inspector. If a surplus has been paid, the excess amount may be refunded. If insufficient has been paid the entrant must at once pay the difference, otherwise his entry may be cancelled.

PERFECTING AN ENTRY.

A homesteader is allowed six months from the date of his entry within which to perfect the same by taking possession of the land and beginning his residence duties in connection therewith. Any entry not so perfected within that period is liable to cancellation.

Protection: For cause shown, however, Head Office may protect an entry for an additional period of six months. This does not apply to entries made by proxy.

DECEASED HOMESTEADERS.

In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor, his legal representative shall only be required to fulfil the conditions as to the erection of a habitable house and as to cultivation in order to entitle him to obtain letters patent, after the expiration of three years from the date of the entry for the homestead; or the legal representative may assign the homestead to a person eligible to obtain a homestead entry; and the assignee shall, after

- (1) the expiration of three years from the date of entry for the homestead;

- (2) holding the homestead for his own exclusive use and benefit from the date of the assignment, and
- (3) completing the residence and cultivation requirements in the same manner as the person who made the entry would have been required to complete them, be entitled to letters patent for homestead. The assignee does not thereby exhaust his homestead right.

If a homesteader dies before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The Department may, however, on application, extend the time for the performance of the duties if the legal representatives have taken out letters of administration, or have them in course of preparation with intention of performing the required duties; but not in the case of a settler who has obtained a homestead entry by proxy unless he had personally appeared at the Agency, or commenced actual residence on the homestead.

When an entrant dies the relatives or heirs should, without delay, inform the Local Agent fully as to their intention of fulfilling the necessary duties and earning patent.

The above provisions apply with necessary changes to the cases of deceased entrants for purchased homestead, and pre-emptions.

INSANE HOMESTEADERS.

In the event of any person who obtained entry for a homestead becoming insane or mentally incapable, and by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the obtaining of letters patent therefor, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to do so, shall only be required to fulfil the conditions as to the erection of a habitable house and as to cultiva-

tion before the issue of letters patent; but the letters patent shall not be issued until the expiration of three years from the date of entry.

If a homesteader becomes insane or mentally incapable before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The Department may, however, on application, extend the time for the performance of duties by the guardian or legal representative, but not in the case of a proxy entrant unless he had personally appeared at the Agency or commenced actual residence on the homestead.

The above provisions apply, with necessary changes, to the cases of entrants for purchased homesteads and pre-emptions.

CANCELLATION PROCEEDINGS.

Reasons for Cancellation: An entry is liable to cancellation:

(a) If the residence or cultivation duties or other conditions are not being fulfilled.

(b) If a homesteader is absent from the homestead for a period of over six months at any one time.

(c) If obtained or granted by error, personation, misrepresentation, perjury, or other fraud.

(d) If the land is valuable because of merchantable timber upon it exceeding twenty-five acres in extent.

(e) If improvements upon the land have not been paid for or have been misrepresented.

(f) If an entrant executes an abandonment of his entry for a consideration, or assigns or agrees to assign any right therein prior to issue of patent.

(g) A reservation for a minor is liable to application for cancellation for non-fulfillment of the conditions, or if the same was obtained through error, misrepresentation or fraud.

Eligibility to Cancel: Application to cancel an entry liable to cancellation may be made by a person eligible to enter for a homestead, or by a minor who is at least seventeen years

and six months of age, eligible to have a homestead reserved for him, and who files a declaration as to eligibility.

In addition to the foregoing, any person who is eligible to make entry for a purchased homestead may apply for the cancellation of an existing entry within the purchased homestead tract with a view to making entry for the land as a purchased homestead in the event of cancellation taking place.

In a pre-emption township application for cancellation of an entry may be made by the homesteader of an adjoining quarter-section, provided he is eligible to enter for the same as a pre-emption.

Before an application to cancel is accepted from a woman claiming to be the head of a family, her eligibility to make an entry must first be established.

APPLICATION TO CANCEL

Application for the cancellation of an entry liable to cancellation must be made in person at the Land Agency for the district within which the land is situate, or at the office of a Sub-agent authorized to transact business for that district.

When application for cancellation is made before a Sub-Agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent at the expense of the applicant, as in the case of homestead entry.

An application for cancellation will not be accepted or considered if made within six months of the date on which the entry was granted unless application should be made on the ground of ineligibility or fraud. In such case the application may be accepted at any time after date of entry, and must be accompanied by a statement on oath giving full particulars.

An applicant for cancellation may not make a second application until the first is disposed of.

The applicant for the cancellation of an entry in default is required to make a statutory declaration stating in what particulars the entrant is in default, also that he has visited the land affected, and that he has personally satisfied himself that the duties are not being properly performed. If his statement should subsequently be found to be incorrect in material points, the applicant will lose his right to enter for the land in case it should become available or if the entry has been granted him it may be summarily cancelled.

When an application for cancellation is accepted by the Agent he shall, on the prescribed form, give the entrant sixty days within which to show cause why his entry should not be cancelled.

Should he fail to file a defence, his entry will be summarily cancelled by the Agent.

In the event of the entrant filing a defence, it must be submitted for consideration to Head Office.

DISPOSAL OF CANCELLED LANDS.

When an entry is cancelled by proceedings taken upon an application for cancellation, or when there is an application to cancel prior to cancellation, the applicant for cancellation is given thirty clear days to make entry. Notice to the applicant must be sent by mail, and the Agent is not required to notify any other person in connection with the quarter-section.

If the applicant for cancellation fails to appear within the thirty days allowed, the agent will forthwith post a notice of the cancellation in his office, available for public inspection, giving the date and hour of such posting, and the land will, after being posted for ten clear days, become available to the first eligible applicant thereafter.

APPLICATION FOR LANDS NOT AVAILABLE DOES NOT GIVE PRIORITY.

An application made either in person or in writing for vacant land not then available or

land under reservation, or land not available for any reason, will not give the applicant any prior right with respect to such land in the event of its becoming available.

RESERVATION FOR MINORS.

An Agent may reserve an available quarter-section as a homestead for a minor over seventeen years of age, until he is eighteen, on the following conditions:

First.—His father, mother, brother, or sister must live upon his or her homestead, or upon farming land owned solely by him or her not less than eighty acres in extent, within nine miles of the quarter-section applied for, exclusive of the width of the road allowances crossed in the measurements.

Second.—The relative in question and the minor must both appear before the Agent or Sub-agent and make statutory declarations, giving the date of the minors' birth and the full name and residence of the relative. When this information has been satisfactorily furnished the Agent may reserve the quarter-section, reporting to Head Office.

If the period of reservation includes the months of June and July, five acres of the land reserved must be broken during these months. Unless this requirement is complied with the reservation will be liable to cancellation.

Entry must be made within one month after the applicant reaches the age of eighteen years.

No reservation made for a minor may be withdrawn except on the written application of parent, brother or sister, and the minor, and after approval by the Head Office.

When application for reservation is made before a Sub-agent, the Sub-agent may wire notice to the Agent at the expense of the applicant the same as for Homestead entry.

In the event of failure to apply for entry within the time specified in this section, the

reservation shall cease and determine, and the land shall, after being posted ten days, be open to the first eligible applicant.

The privilege of reservation for minors does not apply to pre-emptions.

ABANDONMENT OF ENTRY.

A homesteader, purchased homesteader, or pre-emptor may, by permission of head office, abandon his entry, and obtain authority to make another entry upon executing the prescribed declaration.

The abandonment of a homestead entry after cancellation proceedings against it have been begun does not affect the right of the applicant for cancellation.

Abandonment in favour of a Relative: A homesteader, purchased homesteader, or pre-emptor, whose entry is not the subject of cancellation proceedings, may abandon the same in favour of a father, mother, son, daughter brother or sister, if eligible, upon filing the usual declaration.

Duties done by the entrant are not credited to the relative.

This privilege is allowed a pre-emptor only where there are no cancellation proceedings pending against either his homestead or pre-emption

If there is a seed grain lien recorded against the land abandoned in favour of a relative as aforesaid, it will remain recorded against the land when entered for by such relative.

Must be sent Agent for the District: Declarations of abandonment must be sent to the Agent of Dominion Lands for the District in which the land is situated. The agent will immediately note such abandonment and forward it to the Department for consideration and action.

All declarations of abandonment must reach Head Office before permission will be given the applicant to re-enter. No abandonments by wire will be accepted.

Terms of Payment: In the case of a purchased homestead or pre-emption entry abandoned in favour of a father, mother, brother, sister, son or daughter, instalments of principal and interest, if any, due at the date of abandonment must be paid. Payments which have been made by the entrant who abandons are to be credited to the relative who re-enters. If the relative desires to re-enter for the land as a free homestead, he will only be permitted to re-enter on the condition that he make the remainder of the payments as provided under the original entry; if he re-enters for it as a pre-emption or purchased homestead, the remainder of the payments are to be made in accordance with the new entry.

Cannot Abandon in Favour of a Minor: An entrant is not permitted to abandon his entry in favour of a minor relative in order that it may be reserved under the privilege of "Reservation for Minors"

Cannot Abandon to Locate Half-breed Scrip: The abandonment of an entry in favour of a relative or anyone else for the purpose of locating Half-breed Scrip, is not allowed.

HOMESTEAD DUTIES.

(a) Residence Duties.

A homesteader is required to perform the residence duties by residing in a habitable house on his homestead at least six months in each year during a term of three years.

Residence Defined: "Residence" or "Residence duties" for the purposes of the homestead law means actual and bona fide residence in a dwelling house by the entrant in person upon the homestead, or in accordance with the vicinity provisions. Residence duties cannot be done by a member of the homesteader's family or by any other person as proxy on his behalf.

Sleeping on Homestead: Sleeping on a homestead at night for a period of six months in the year, while following elsewhere during the daytime a trade or calling other than agriculture, will not be accepted as residence within the meaning of the Act, unless the residence of the homesteader is established by his family living continuously on the homestead during such period of residence, and by the homestead being his own sole place of abode during such period.

Where it is shown that a homesteader teaching school during the day makes the land his home in good faith, sleeping there at night, besides performing the necessary cultivation duties, residence may be accepted as satisfactory, but no exemption will be allowed from the performance of any of the duties.

Military Training: A homesteader may be permitted to count as actual residence performed on the homestead, the time spent undergoing annual training in military instruction camps, not exceeding 18 days, provided a certificate from his commanding officer is submitted showing that the time involved was actually spent in training.

Residence for six months in each of three years, after homestead entry, satisfies the residence requirement necessary to entitle the entrant to patent, without regard to periods during each year when the residence was done, but absence from the land for more than six months at any one time renders the entry subject to application for cancellation.

Residence for any period less than thirty consecutive days is not accepted as constituting residence for the purpose of perfecting an entry or of establishing an entrant in good standing.

Homestead Year: Homestead duties must be performed during a period of three years. Residence may be calculated:

(1) from date of entry, or,

(2) from date of commencement of residence, either before or after entry, or,

(3) from any date subsequent to date of entry or date of commencement of residence, or,

(4) the performance of six months' residence in each of three calendar years.

Residence while land stands in name of another person will not be accepted.

Residence by the family only cannot be counted towards patent; but residence by the family admits of liberal protection in the case of an ordinary homestead entry.

(b) Residence in the Vicinity.

The term "vicinity" is defined as meaning not more than nine miles in a direct line, exclusive of the width of road allowances crossed in the measurement.

A homesteader may if he so desires, perform the required residence duties by living on a farm owned solely by him, not less than eighty (80) acres in extent, in the vicinity of his homestead. Joint ownership in the land will not meet this requirement.

Residence with Relatives: If the father, mother, son, daughter, brother or sister of a homesteader has a permanent residence on a farm owned solely by him or her, not less than eighty (80) acres in extent, in the vicinity of the homestead, or upon a homestead, purchased homestead, pre-emption, or South African Volunteer Script grant, entered for by him or her in the vicinity, such homesteader may perform his own residence duties so far as his homestead is concerned, by living with such relative.

The privilege above mentioned is also extended to include residence with the following relatives:

Step-father, step-mother, step-brother, step-sister, step-son, step-daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, half-brother and half-sister.

A homesteader intending to perform his residence duties while living on a farm owned by himself, or by a relative, in the vicinity

must notify the agent for the district of such intention, and keep him informed as to his post office address. Otherwise his entry is liable to become the subject of cancellation proceedings.

When residence has been performed in the vicinity, a dwelling house is not required on the homestead.

A settler within the pre-emption tract who has acquired a homestead and pre-emption may fulfil the residence duties in connection with his homestead by living upon his pre-emption, but in this event he will not be able to obtain patent for his homestead until he has earned patent for his pre-emption.* The Department will, however, on application, interchange the entries without fee.

(c) Ownership Defined.

Ownership of land in the vicinity of a homestead, when duties are being performed under the vicinity provisions, means that during the entire period of residence while earning patent, the land must either :

(a) be vested in the homesteader or relative as the case may be, or,

(b) be held by such homesteader or relative under bona fide agreement of sale,

Before patent will issue, ownership must, if the title is vested in the homesteader or relative, be established by the production of proof of the date of the commencement of ownership and by the production of abstract of title showing ownership at time of application for patent.

An agreement of sale will be accepted as proof of ownership if the instalments of the purchase money accruing under the agreement have been fully paid to the date of application for patent for the homestead and if at least one-third of the total purchase price has been paid.

If after performing residence on the homestead, the entrant completed the residence re-

quirements by living on purchased land, instead of one-third of the total purchase price being required to have been paid at the date of application for patent, it will be satisfactory if an amount has been paid proportionate to the length of residence on the purchased land.

If a homesteader performs residence on purchased land, and then completes the residence requirements by living on the homestead, proof of ownership during the time of residence on the purchased land must be produced, together with evidence of payment of instalments then accruing thereunder, which must total an amount proportionate to the length of residence on the purchased land. In this case it is not necessary that he should be the owner of the purchased land at the date of application for patent.

In the event of doubt as to whether the proportion paid may be accepted as sufficient, the case should be submitted for acceptance or refusal at the discretion of the Commissioner.

Ownership of land by the wife or husband of a homesteader is accepted as ownership by the homesteader. This does not include an unpatented Volunteer scrip location; nor can an entrant perform duties by residing on unpatented land held under entry by his wife.

Residence with the wife will count if the purchased land is held by her under agreement of sale, provided at least one-third of the purchase money is paid and instalments are paid to date, and that the ownership covers the periods of such residence.

Ownership of land by an entrant or relative in trust is not accepted.

Dominion Land Agents are authorized and required to investigate fully any cases in which they have reason to think that the ownership is not bona fide; and no agreement of sale will be accepted if it is found to be fraudulent or not made in good faith or for good consideration.

(d) Cultivation Duties.

All entries made previous to the 1st of June 1908, are governed by the following practice:

A settler residing on his homestead is required to break a total of at least 15 acres, of which 10 acres must be cropped before applying for patent.

A settler performing his residence duties under the clause in the regulations permitting him to live with a relative, or on land owned by himself, must break a total of at least 30 acres of the homestead, of which 20 acres must be cropped before applying for patent.

A reasonable proportion of the cultivation must in all cases be done in each year.

The following change in the regulations respecting cultivation duties applies to all homestead entries made **on and after the 1st June, 1908:**

A homesteader who resides on his homestead is required to break a total of at least 30 acres of the homestead (of which 20 must be cropped) before applying for patent. A reasonable proportion of the cultivation duties must be done during each year.

When the duties are being performed under the regulations permitting residence in vicinity the total required to be broken will be at least 50 acres (of which 30 must be cropped).

Wooded Lands: Entrants are expected in every case to bring the required area under cultivation. Where they have been unable to fully meet the requirements by reason of woods, rock, or the broken character of the surface, the area required may be reduced at the discretion of the Minister, and application for patent will be taken subject to acceptance by the Agent and Department after inspection and report by a Homestead Inspector; but in-

spections of land of this character are not made prior to application for patent.

Cultivation must be done in each of three years, during two of which the breaking must be in crop.

STOCK.

If a report from a Homestead Inspector shows that a quarter-section does not contain arable land to the extent required to obtain patent under the regulations with respect to cultivation, authority will be granted to the entrant to substitute stock in lieu of breaking and seeding.

If this privilege is granted, the entrant will be required to show, when making application for patent, that he has been the sole owner of stock as follows:—

On Homesteads:

During the whole of the first year, at least five head of stock;

During the second year, at least ten head of stock;

And from and after the expiration of the second year, up to the date of application for patent, at least sixteen head of stock.

On Pre-emptions:

Twenty head in the fourth and fifth years of the performance of duties;

From and after the expiration of the fifth year up to the date of the application for patent, at least twenty four head of stock.

The pre-emptor must continue to own the homestead;

On Purchased Homesteads:

During the whole of the first year, at least five head of stock;

During the second year, at least ten head of stock;

And from and after the expiration of the second year, up to the date of application for patent, at least sixteen head of stock.

Definition of Stock: The term "Stock" in this hand-book, includes cattle, that is, cows or bulls and their young, and horses, male and female and their young. Sheep and hogs are also included.

If sheep and hogs are kept, ten sheep or ten hogs, or ten sheep and hogs, will only be reckoned as the equivalent of one head of stock, that is, equal to one horse, or one cow or bull.

Must be kept on Land: All stock must be kept on the homestead, pre-emption, or purchased homestead, as the case may be, either for summer grazing or for winter feeding.

Buildings: Substantial buildings for the accommodation of the whole number of stock to be kept in any year shall be erected and maintained during the whole period such stock is to be kept and solely owned by the applicant for patent.

Such buildings shall, in the case of an ordinary homestead, be erected upon the homestead itself.

In the case of a pre-emption, such buildings shall be erected upon such pre-emption or the appurtenant homestead.

In the case of a purchased homestead, such buildings shall be erected upon such purchased homestead, or upon the entrant's free homestead, if his residence has been performed thereon in accordance with the regulations.

Yearly Declaration: The entrant or in the case of his death, his legal representative, shall furnish to the Minister a statutory declaration, duly made and completed according to law,

promptly after the expiration of each year during the period that he has kept stock upon his land, setting forth the numbers he has kept thereon during such year or period, and that they are and have been during that year or period, as specified in the statutory declaration, solely owned by him.

Fencing: The whole quarter-section of land entered for, shall be enclosed by a substantial fence to the satisfaction of the Minister.

Inspection before Patent: No patent shall be issued for a homestead, pre-emption, or purchased homestead upon which stock is kept in lieu of compliance with the regulations with respect to cultivation, until a report made by a Homestead Inspector has been filed in the Department of the Interior, showing that the provisions of the regulations with respect to stock have been complied with.

APPLICATION FOR PATENT.

Application for patent may, after completion of the duties, be made by an entrant before an Agent, or before a Sub-agent for the district.

Patent cannot be issued to any entrant who is not a British subject by birth or naturalization. A new Naturalization Act will come into force on the 1st of January, 1915.

After that date, any alien, who has not resided in the British Dominions, or been in the service of the Crown, for the period necessary for naturalization, shall be entitled to obtain letters patent for a homestead in the same manner as if he were a British subject: Provided that he satisfy the Minister of the Interior that in all respects save such period of residence or service he is qualified to be naturalized, and declare upon oath his intention to be so naturalized as soon as he has completed such period of residence or service.

Application for patent must not be taken until the three full years have completely elapsed from the date of entry unless in the case of a squatter before survey.

Evidence must be taken only from disinterested witnesses resident in the locality, who are able to testify from their personal knowledge and not from hearsay, and who are not members of the entrant's family.

Failure on the part of a homesteader to apply for patent within a period of five years from the date of entry renders his right to the homestead liable to forfeiture.

TRAFFICKING IN DOMINION LANDS.

Except as provided by law in the case of a deceased entrant, an assignment or transfer of a homestead, purchased homestead or pre-emption, or any part thereof, or an agreement to assign or transfer made before the issue of patent is null and void, and the person so transferring, assigning or agreeing to assign or transfer is liable to forfeit his homestead, his purchased homestead or his pre-emption.

Any person who receives, directly or indirectly, any consideration of any kind in connection with the abandonment of an entry held by him, shall be liable to the cancellation of his entry, and forfeiture of his right to re-enter at the discretion of the Minister.

The person paying, or instrumental in paying, directly or indirectly, such consideration, shall be liable to forfeiture of his right of entry at the discretion of the Minister.

Everyone is guilty of an indictable offence and liable to two years imprisonment who buys, trades or sells, or professes to buy, trade, or sell land, or any interest in or control of land open to homestead entry, or for which entry has been granted, before patent therefor has been issued.

RECEIPTS FOR MONEY.

Dominion Land Agents, Crown Timber Agents, Sub-agents, or any other Agent, Officer or Clerk of the Department of the Interior who receives money for the Department is required to issue a receipt therefor, made out on the regular printed form supplied by the Department for each and every sum of money so received immediately on its acceptance by him.

Any person paying money for any purpose to a duly appointed agent or official of the Department may demand from him a receipt on a regular departmental receipt form. A receipt issued on any other form will not be recognized by the Department as valid.

PURCHASED HOMESTEADS AND PRE-EMPTIONS—BOUNDARIES OF TRACT.

What land Available: Purchased homesteads may be acquired under the conditions provided in the Dominion Lands Act within the area bounded on the south by the international boundary line; on the north by the north line of the 44th township; on the east by the line of the Minneapolis, St. Paul and Sault Ste. Marie Railway from the international boundary to the Canadian Pacific Railway main line, then by the Canadian Pacific Railway main line to the 3rd principal meridian, then by the 3rd principal meridian to the north line of the 44th township; on the west by the west line of range 26, west of the 4th meridian, from the international boundary to the Calgary and Edmonton Railway line, then by the Calgary and Edmonton Railway line to the north line of the 44th township.

Pre-emptions may be acquired within the same area, except that in townships in which any railway company has taken eight sections as part of its land grant, no pre-emption may be taken.

PRE-EMPTIONS

Who May Make Pre-emption Entry: A person who obtains entry for a homestead under the Dominion Lands Act of 1908 and continues to own and reside upon the land included therein, and does not hold, or has not assigned his right to, or has not received patent for a pre-emption under that or any previous Act, or

has obtained entry for a homestead under the provisions of chapter 55 of the Revised Statutes, 1906, or any previous Act in that behalf, and continues to hold the land included therein, and does not hold, or has not assigned his right to, or has not received patent for a pre-emption under the present or any previous Act,

may pre-empt any available quarter-section lying alongside his homestead, or separated therefrom by only a road allowance, on payment of a fee of \$10.00.

Widow: A widow who has secured homestead entry as the head of a family, and afterwards remarries is not eligible to make entry for a pre-emption.

The privilege of reservation for minors does not apply to pre-emptions.

Any person who receives patent for a purchased homestead, or who holds an entry for a purchased homestead, is not eligible to make entry for a pre-emption.

Pre-emption entries cannot be made by proxy.

PRE-EMPTION DUTIES AND PRICE.

The homesteader becomes entitled to patent for his pre-emption by:

Residence: Residing for six months in each of three years on either his homestead or pre-emption, after earning homestead patent.

If a settler has disposed of his patented homestead, he may be given credit in connection with his pre-emption for any residence performed on his patented homestead up to the date of the sale thereof, provided he furnishes, when making application for patent for his pre-emption the usual proof of ownership of the homestead quarter-section during the period he was living on it.

The settler cannot be allowed to count residence on the homestead, after he has sold it, under any circumstances.

House: Erecting a dwelling house on his homestead or pre-emption.

Cultivation: Cultivating 50 acres of either the homestead or the pre-emption, or both (in addition to the acreage required for the completion of homestead duties), a reasonable portion of which must be done in each year.

If he does not own his patented homestead when he comes to apply for pre-emption patent, he will have to show 50 acres of breaking upon the pre-emption, of which thirty acres must have been seeded.

Stock On Pre-emption: Upon proof being furnished in the form of a Homestead Inspector's report that the pre-emption does not contain arable land to the extent required to earn patent under the regulations with respect to cultivation, the entrant will be permitted to substitute stock.

When making applications for patent, the entrant will have to prove in the usual way that he has continued to own his homestead and that he has had upon the land stock to the number of at least twenty head in the fourth and fifth years of the performance of duties, and from and after the expiration of the fifth year up to the date of application for patent for the pre-emption, at least twenty-four head of stock.

For further details as to keeping stock on land, yearly declaration, buildings and fencing, and inspection before patent, see paragraphs under the heading "Stock".

Payment: Paying for the pre-emption at the rate of three dollars an acre.

One-third of the total amount of the purchase money must be paid on the expiration of three years from the date of the receipt for the pre-emption fee and the balance of the purchase money is payable in five equal successive annual instalments.

An instalment which is not paid upon the date when it becomes due, shall bear interest at the rate of five per cent. per annum from such date until it is paid.

Default in payment of interest or of instalments when due renders the pre-emption liable to cancellation.

Patent: Patent may be claimed at any time after completion of duties on paying the price in full, and unless claimed within eight years the pre-emption may be cancelled.

Pre-emption Patent Without Completing Three Years' Residence: Upon proof being furnished by the holder of a homestead and pre-emption that he has complied with the conditions to earn patent for his homestead, he shall be entitled to patent for the pre-emption upon:—

- (1) tendering the purchase price in full together with accrued interest, if any.
- (2) submitting proof in the manner required by the Act that he has complied with the requirements thereof in all respects up to the date when the money was tendered by him
- (3) that he has cultivated the whole area of fifty acres called for in connection with his pre-emption entry; or,

- (4) that he has had upon such homestead, or on the pre-emption, or on both, stock to the number of:—

Five head during the first year of the performance of duties for such homestead and pre-emption ;

During the whole of the second year stock to the number of at least ten head ;

And after the expiration of the second year up to the date of his application for patent to the number of at least twenty-four head ;

And that he has fully complied with all the other requirements of the regulations up to the time of making proof and tendering payments.

CANCELLATION OF PRE-EMPTION.

If an entrant for a pre-emption fails to fulfil in any year the requirements of the Act in respect to his homestead or pre-emption, the Minister may cancel the pre-emption entry and in his discretion cause to be refunded any moneys paid on account thereof. Refund of an entry fee cannot be made.

A pre-emption entry will be cancelled if for any reason the homestead entry to which it is attached is cancelled.

PURCHASED HOMESTEADS.

Purchased homesteads may be acquired on any available lands on either odd or even numbered sections south of township 45, east of the Calgary and Edmonton Railway and the west line of range 26, and west of the third meridian and the Soo Railway line.

ENTRY

Who may make Entry: Any person who has obtained entry for a homestead for which he has received or become entitled to letters patent, or has otherwise exhausted his homestead right, but has not received entry or patent for a pre-emption or assigned his right thereto, may, after the issue of patent for his homestead, or upon completing the requirements requisite to obtaining letters patent therefor to the satisfaction of the Agent of Dominion Lands for the district, as provided by the Act, or by regulation or order made thereunder, obtain entry as a purchased homestead for any available quarter-section open for entry on payment of a fee of \$10.00.

Widow: A widow who has secured homestead entry as the sole head of a family and afterwards remarries is not eligible to make a purchased homestead entry.

A woman claiming to be eligible to make a purchased homestead entry must submit proof that she is still eligible as the head of a family and comply with the same conditions in that respect as she did when granted homestead entry.

No person who has received patent for a purchased homestead may receive entry for another.

No person who has received patent for a pre-emption either under the former or the present law, is entitled to a purchased homestead entry.

No person who has received a patent for a homestead and has been allowed to purchase a quarter-section in addition, whether or not subject to settlement conditions, is entitled to a purchased homestead entry.

A settler who has had a homestead, but lost it to a lien holder, and who has been sold a quarter-section at \$1 or \$3 per acre on homestead conditions, is not debarred from securing a purchased homestead.

A settler who obtained a homestead entry and substantially completed the duties thereon but failed to fully comply with the Regulations and has been allowed to purchase in lieu of addition duties, is not debarred from securing a purchased homestead.

A person who entered for a homestead and located Half-breed Scrip thereon, thereby exhausting his homestead right, may, if he has not received a pre-emption and is otherwise eligible, apply for a purchased homestead.

Must declare Right: The applicant for entry for a purchased homestead must make a statutory declaration as to his previous homestead right and as to his present right to a purchased homestead on the form provided.

If the applicant for a purchased homestead has not received patent for his free homestead, the recommendation by the Land Agent of his application for patent will be considered sufficient evidence of completion of his duties on his free homestead to warrant his entry for a purchased homestead.

An entrant for a purchased homestead before the issue of patent for his free homestead, who fails to secure patent for his free homestead, shall thereby forfeit his entry for a purchased homestead.

Proxy: Entry for a purchased homestead cannot be made by proxy.

A person whose application for patent has been recommended by the Agent may be allowed to enter for a purchased homestead, although there may be land alongside his homestead available for pre-emption entry. But if he so elects to enter for a purchased homestead he shall not, unless such entry is cancelled, be given entry for a pre-emption.

DUTIES AND PRICE.

The homestead purchaser becomes entitled to patent by:

Residence: Residing for six months in each of three years upon the purchased homestead.

If the entrant for purchased homestead resides upon his own farm, or a farm owned and occupied by his wife, of not less than eighty acres, within nine miles of the purchased homestead, exclusive of the width of the road allowance crossed in the measurement, residence upon such farm is accepted as residence upon his purchased homestead.

Residence, however, with relatives in the vicinity is not allowed.

House: Erecting upon it a habitable house of a value of at least \$300. If the residence duties are performed upon the patented free homestead or purchased land in the vicinity as above set forth, it will not be necessary to build a house upon the purchased homestead, but it must be shown that there is a \$300 house on the land where the residence has been performed.

Cultivation: Cultivating 50 acres of the land, a reasonable proportion of which must be done in each of three years, during two of which the breaking must be in crop.

Stock: Upon a report being obtained from a Homestead Inspector that the purchased homestead does not contain arable land to the extent required to earn patent under the regulations with respect to cultivation, the entrant will be permitted to substitute stock in lieu of breaking and seeding.

If permission to substitute stock is granted, the entrant will be required, when making application for patent for his purchased home-

stead, to show that he has had thereon stock solely owned by him as follows :

During the whole of the first year to the number of at least five head ;

During the whole of the second year to the number of at least ten head ;

And from and after the expiration of the second year up to the date of his application for patent, to the number of at least sixteen head.

All stock shall be kept on the purchased homestead either for summer grazing or for winter feeding.

Buildings: Substantial buildings for the accommodation of the whole number of stock to be kept in any year shall be erected and maintained upon the purchased homestead, or upon the entrant's free homestead, if his residence duties in connection with his purchased homestead have been performed upon such free homestead.

For details as to yearly declaration, fencing and inspection before patent, see paragraphs under the heading "Stock."

Payment: Paying for it at the rate of \$3.00 per acre.

Payment must be made, one third at the date of entry and the balance in five equal annual instalments. Every instalment which is not paid upon the date on which it becomes due shall bear interest at the rate of five per cent. per annum from such date until it is paid.

If the entrant so desires, he may make payment in full for his purchased homestead and obtain letters patent forthwith upon the completion of the required settlement duties.

Default in payment of interest or of instalment when due renders the purchased homestead liable to cancellation.

If patent is not applied for within five years from the date of entry, the entry may be cancelled.

If an entrant for a purchased homestead fails in any year to fulfil the requirements of the Act in respect thereto, the Minister may cancel the entry, and in his discretion cause to be refunded any moneys paid on account thereof. Refund of an entry fee cannot be made.

Department of the Interior,
Ottawa, 15th June, 1914.

